

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION

JIMMY LEE DAVIS

PLAINTIFF

V.

CIVIL ACTION NO.: 4:10-CV-96-DPJ-FKB

SGT. UNKNOWN COTTON, WARDEN BART GRIMES,
WARDEN DALE CASKEY, J. THOMAS AND
C.O.R. GRADY

DEFENDANTS

ORDER

This cause came on this date to be heard upon the Report and Recommendation of the United States Magistrate Judge, after referral of hearing by this Court. The Court, having fully reviewed the unopposed Report and Recommendation of the United States Magistrate Judge entered in this cause, and being duly advised in the premises, finds that said Report and Recommendation should be adopted as the opinion of this Court.

IT IS, THEREFORE, ORDERED that the Report and Recommendation of United States Magistrate F. Keith Ball be, and the same is hereby, adopted as the finding of this Court. The Court defers ruling on Defendants' motion for summary judgment [19], but grants Defendants' alternative request to revoke Plaintiff's *in forma pauperis* status [19]. Plaintiff is given until August 29, 2011 to pay the entire \$350.00 filing fee. If he fails to pay the entire filing fee, this action will be dismissed without prejudice without further notice.¹

SO ORDERED AND ADJUDGED this the 28th day of July, 2011.

s/ Daniel P. Jordan III
UNITED STATES DISTRICT JUDGE

¹ As suggested by Judge Ball, if Plaintiff pays the filing fee, Defendants are instructed to supplement their motion for summary judgment with affidavit testimony addressing Plaintiff's allegations that he submitted a complaint under the "sensitive ARP" process and pertinent documentary evidence, if any.